



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,595	12/28/2000	Ravi Ganesan	3350-67	4823

7590 09/11/2006

WILLIAM R. SILVERIO
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3996

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
----------	--------------

3693

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/749,595	GANESAN ET AL.	
	Examiner	Art Unit	
	Lalita M. Hamilton	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-33, 36-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-33 and 36-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On May 23, 2006, an Office Action was sent to the Applicant rejecting claims 1-13, 15-33, and 35-40. On July 28, 2006, the Applicant responded by amending claims 1-2, 12-13, 17, 19,-21, 23, 26, 31-32, and 36-40 and adding new claim 40.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 16-33, 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Levchin (7,089,208).

Levchin discloses a method and corresponding system for electronically exchanging value comprising receiving, via a network, a request to execute a payment on behalf of a network user associated a plurality of user identifiers, the request including a first user identifier, wherein the plurality of user identifiers are associated with multiple registrations for the network user, determining if the request will be accepted for execution by processing previous requests executed on behalf of the network user, wherein at least one of the previously executed requests includes a second identifier from the plurality of user identifiers, the second user identifier disintrot

Art Unit: 3693

from the first user identifier, and if the determination is to accept the request for execution, directing a debit from an account associated with the network (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20); receiving, via a network, a request to execute a payment on behalf of a network user, the request including a user identifier associated with the network user, identifying a plurality of user identifiers associated with the network user, wherein the plurality of user identifiers are associated with multiple registrations for the network user; processing previously executed payments associated with each identified user identifier to determine if the request will be accepted for execution, and transmitting, via the network, the (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20); the determination is transmitted to the network user and the transmission is a real-time transmission (col.9, line 50 to col.10, line 60); determining a total monetary value of previously executed payments executed in one or more time periods, determining if the total monetary value of previously executed payments executed in the one or more time periods exceeds one or more threshold values, and if the determination is the total monetary value of previously executed payments executed in the one or more time periods does exceed one or more threshold values, not accepting the request for execution (col.9, line 50 to col.10, line 60); the user identifier included with the request is also associated with a sponsor, and at least one of the one or more threshold values and the one or more time periods is based upon the identity of the sponsor (col.9, line 50 to col.10, line 60); determining if the total monetary value of previously executed payments in the one or more time periods in combination with an amount of the payment exceeds one or more threshold values and if so

Art Unit: 3693

determined, not accepting the request for execution (col.9, line 50 to col.10, line 60); determining the total number of previously executed payments executed in one or more time periods, determining if the total number of previously executed payments executed in the one or more time periods exceeds one or more values, and if the determination is the total number of previously executed payments executed in the one or more time periods does exceed one or more values, not accepting the request for execution (col.9, line 50 to col.10, line 60); the payment is one of a payment of a bill, a gift, a payment for the purchase of goods or services made via the network, and a payment for goods or services purchased from an Internet auction (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20); if the determination is to accept the request for execution, directing a debit from an account associated with the network user at a first time, and directing a credit to a payee at a second time, wherein the second time is subsequent to the first time, and wherein a time period between the first time and the second time is a determined time period (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20); processing previously executed payments associated with each identified user identifier to determine the time period (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20); determining the time period based upon at least one of an amount of the payment, the identity of the network user, an association maintained by the network user, and payments previously executed on behalf of the network user (col.9, line 50 to col.10, line 60); and the payee is a network user (col.4, lines 25-55; col.8, lines 10-30; and col.16, lines 1-20).

Response to Arguments

Applicant's arguments with respect to claims 1-13, 16-33, 36-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

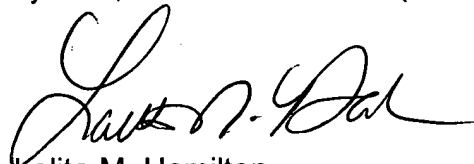
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammel James can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', is written over the printed name.

Lalita M. Hamilton
Primary Examiner, 3693